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November 11, 2015

Via IBFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Birch Telecom, Inc. - Request to Remove Condition from Authorization

Dear Secretary Dortch:

By letter dated March 24, 2006, Birch Telecom, Inc. (“Birch Telecom”) entered into a Letter of Assurance (“LOA”) with the U.S. Department of Justice (“DOJ”), including the Federal Bureau of Investigation (“FBI”), and the U.S. Department of Homeland Security (“DHS”) (DOJ, FBI, and DHS collectively, the “Federal Agencies”) in connection with an application to the Federal Communications Commission (“FCC”) for approval of the transfer of control of Birch Telecom. By letter dated June 8, 2009, Birch Telecom advised the Federal Agencies that it was purchased by Access Integrated Networks, Inc. effective February 20, 2008. The FCC approved that transaction in File No. ITC-T/C-20071116-00469 effective January 4, 2008 (international) and WC Docket No. 07-270 effective December 31, 2007 (domestic). Access Integrated Networks, Inc. is now known as Birch Communications, Inc. (“Birch Communications”).

The ownership of Birch Telecom has changed since the execution of the LOA with the Federal Agencies. Specifically, Birch Telecom is a wholly owned subsidiary of Birch Communications, which is a Georgia corporation. Birch Communications Holdings, Inc. (“Birch Holdings”), also a Georgia corporation, owns a 100% voting and equity interest in Birch Communications. The following individuals hold a five percent (5%) or greater direct or indirect ownership interest in Birch Holdings: (1) Holcombe T. Green, Jr., a U.S. citizen, owns an approximate 59% voting and equity interest in Birch Holdings; (2) R. Kirby Godsey, a U.S. citizen, owns an approximate 23% voting and equity interest in Birch Holdings; and (3) Vincent Oddo, a U.S. citizen and Chief Executive Officer of Birch Communications, owns an approximate 5.5% voting and equity interest in Birch Holdings. As such, Birch Telecom currently is 100% U.S. owned.

Accordingly, Birch Telecom respectfully requests that the FCC remove the LOA as a condition of its international 214 authorization. The international 214 authorization associated with this modification request is File No. ITC-214-19990701-00441, which is held by Birch

Telecom.¹ Birch Telecom currently does not provide any type of service, but the following wholly owned subsidiaries of Birch Telecom provide international telecommunications service pursuant to Birch Telecom's international 214 authorization: Birch Telecom of Missouri, Inc., Birch Telecom of Kansas, Inc., Birch Telecom of Texas LTD LLP, Birch Telecom of Oklahoma, Inc., Birch Telecom of the South, Inc., Birch Telecom of the Great Lakes, Inc., Birch Telecom of the West, Inc., IONEX Communications, Inc., IONEX Communications South, Inc., IONEX Communications North, Inc., and Birch Communications of the Northeast, Inc.

Birch Telecom understands that the Federal Agencies are amenable to this request given the change in Birch Telecom's ownership since execution of the LOA.

Please contact the undersigned if you have any questions regarding this matter.

Respectfully submitted,



Angela F. Collins
Counsel for Birch Telecom, Inc.

cc: Jennifer Cassanelli, U.S. Department of Justice (Jennifer.Cassanelli@usdoj.gov)
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¹ Birch Communications, Inc. f/k/a Access Integrated Networks, Inc. also holds international 214 authority under File No. ITC-214-19970926-00584, and Birch Communications of Virginia, Inc. also provides international telecommunications services pursuant to this authority. Other affiliates of Birch Telecom also hold international 214 authority under File No. ITC-214-20130716-00198 (Birch Communications of Kentucky, LLC) and File No. ITC-214-20001016-00619 (Cbeyond Communications, LLC).